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SUBJECT: NAGPUR'S SEX TRADE AND CHILD LABOR: CHALLENGES
REMAIN DESPITE GOVERNMENT AND NGO EFFORTS

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¶1. (SBU) Summary. The Department's Office to Monitor and Combat Trafficking in Persons Gayatri Patel and poloffs met NGO workers, government officials, and trafficking victims in Nagpur, and found there is no consensus on the prevalence of trafficking in persons. Law enforcement remains weak since police show little interest in tackling prostitution, which they view as involving women who are willing participants due to economic necessity. The prosecutor's office reported little success in prosecuting cases, attributing this to many hurdles. Nagpur lacks a robust organized civil society to address the trafficking issue. Some organizations, however, seem to be making inroads into tackling child labor and sex trafficking. End Summary.

Nagpur's Sex Trade and Child Labor: Police Lack Sensitivity

¶2. (U) During an October 14-15 visit to the eastern Maharashtra city of Nagpur, Gayatri Patel, of the Trafficking in Persons Office, the Embassy global affairs chief and congenoffs met police, prosecutors, and civil society groups to gauge the level of trafficking in persons in that part of the state. Anup Kumar Sinh, Additional Commissioner of Police, Crime of the Nagpur police believed Nagpur's red light district, Ganga-Jamuna, has at most between 250-300 sex workers. He said he had conversations with many sex workers, during a previous posting in Thane near Mumbai, and concluded that sex workers were willing participants in the trade for economic reasons. In his view, all big cities have women who willingly enter prostitution because of the lack of alternate livelihoods. He said minors comprised only 10 percent of the trade. Sinh believed there would always be demand for prostitutes and a willing supply of sex workers so long as there was poverty. In Nagpur, the trade is plied in massage parlors in the back of barber shops, in bus and railway stations, markets, truck stops, and in the red-light district. The women included those from a caste whose traditional trade is prostitution, widows, wives forced out of their homes by their husbands, or recent arrivals from Mumbai when dance bars were closed down, according to Sinh. Sinh said organized crime is not involved, as evidenced by the fact that the madams or pimps do not live well.

¶3. (U) Sinh stressed the police conduct raids. However, he said Indian law does not differentiate between willing and unwilling sex workers, unless minor females are involved. When Patel pointed out the Immoral Trafficking Prevention Act outlined the difference, Sinh replied it is the victim's responsibility to come to the police and tell them that they have been forced to engage in prostitution. He emphasized, however, that he believed the women working in Ganga-Jamuna were all willing. Sinh admitted trafficking crimes often become neglected because the police are spread thin. In

addition, witnesses frequently refuse to testify against traffickers. No formal system for witness protection exists, although the police provide protection when requested. Sinh said the government has been prosecuting eight cases, involving eight males and 42 females, as of September 2008 under the Prevention of Immoral Trafficking Act. Ten percent of the victims are minors.

Legal System Sensitized but Challenged

14. (U) P.K. Sathiaathan, District Public Prosecutor in Nagpur showed greater interest in tackling the problem of trafficking. Since Nagpur is not a trafficking center, he said most prosecutions arise from the Ganga-Jamuna red-light district. Sathiaathan acknowledged there were charges filed in only 16 trafficking cases in 2007, some of which may have been against the female sex worker. Obtaining a conviction can take up to six years. In the 87 cases registered since 2000, only five cases went to trial and none ended in conviction. (Note: Media reported a mass raid in September 2007 that supposedly rounded up 75 sex workers, at least 10 of whom were minors. No traffickers were reportedly arrested in that operation. End Note.) According to Sathiaathan, prostitution cases are generally viewed as less important than other cases on the docket. There are no organized crime cases in the prosecutor's office, consistent with Additional Commissioner Sinh's assessment that there is no organized crime involved in the sex trade in Nagpur. Sathiaathan noted the accused, usually charged under Section 3 and 4 of Immoral Traffic Prevention Act, are entitled to bail as a matter of right and often abscond as soon as they are released. He said the police fail to investigate cases quickly or examine whether an arrestee is a repeat offender.

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15. (U) Witnesses are often reluctant to testify often because they are bribed or fear for their safety, making convictions even more difficult to obtain. Sathiaathan acknowledged pimps often send agents posing as "parents" to post bail for the women so that they can be pressured not to testify or moved to where the court cannot find them. No specific witness protection system exists, but police give protection in very serious crimes. Asked for recommendations to improve the conviction rate, Sathiaathan suggested creating anti-trafficking units within police forces, special "fast-track" courts to handle trafficking cases, raising punishments, making trafficking offenses non-bailable, expanding the number of police officers who with the authority to initiate raids, and developing a witness/victim protection program. He further emphasized that NGO involvement and support was often critical to successful convictions.

The Department of Women and Children's Development's Commendable Efforts

16. (U) Other government officials showed admirable efforts in combating trafficking. The U.S. team spoke with Ravi Patil, an official with the Department of Women and Children's Development (DWCD). Patil stated Nagpur, unlike Mumbai, largely serves as a transit point because of its central location. He estimated about 25,000 established sex workers in the Nagpur area. Surveying the number of sex workers is difficult because venues, apart from the historic red light district, shift. Patil explained massage parlors often serve as conduits for prostitution. The parlors give legitimate massages, but a customer who likes a particular woman can go to another location where the sex takes place. Patil said many women from Nepal and Bangladesh transit through the district. In Nagpur there are no reports of prostitutes being addicted to illegal narcotics, although some become addicted to chewing tobacco.

¶7. (U) Patil emphasized the greater challenges Nagpur faces of accommodating and rehabilitating victims after rescue efforts since the city lacks the scope and expertise of NGOs that exist in larger cities like Mumbai. Opening a home or shelter, Patil stated, requires certificates from both the central and state governments. There are also other rules to comply with such as minimum space per occupant. An NGO that takes custody of an individual must obtain authorization from the government. Officials at the district-level and local co-management committees conduct regular inspections of shelters. Patil underscored the greatest challenge in effectively combating trafficking is sensitizing all stakeholders.

¶8. (U) The DWCD runs a short-term shelter for victims of trafficking. Due to lack of funds, the shelter is combined with a home for severely mentally handicapped women. The home, technically for adults, was sheltering four minors, each of whom said they started in the sex trade at the age of ¶13. Although they stated they were 15 to 17 years old, they looked younger. The shelter works to repatriate girls to their villages wherever feasible, but often it would not be safe for them to return home since their parents are the ones who sold them into the sex trade. The girls were members of the particular clan/caste which sees prostitution as the profession of the women in the caste. They were rescued during a raid on Ganga Jamuna brothels. Nagpur does not have a shelter specifically for minor girls rescued from sex work, who are usually sent to other parts of the state for continued care. According to Mrs. Sarupam, the superintendent of the DWCD home, the temporary shelter receives nine to ten girls per month, but on average has only five or six on any given day. Admissions to shelters have increased since 2003, and there is more focus on counseling.

¶9. (U) Lamenting the insufficient funds for rehabilitation programs, Patil stressed the danger of re-trafficking in the absence of genuine rehabilitation. He noted that, with four different overseeing organizations, it is difficult for any organization to qualify to open a new shelter. Rehabilitation is made more arduous because many of the girls who have never had any education do not see how studying would ever benefit them. They recognize the sex trade pays better than other jobs they are qualified to fill (100-200 rupees per day). The State of Maharashtra is expecting to implement a new plan on anti-trafficking in February 2009. The state also plans to establish eight additional shelters within the next eighteen months.

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¶10. (U) The team also observed proceedings conducted by the Child Welfare Committee, a semi-judicial body constituted under the Juvenile Justice Act 2000. The six-member committee included a doctor, attorneys, and concerned citizens. Members methodically examined files and people to determine the best decision for a child.

As Are Those of Other NGO Efforts

¶11. (U) Rajiv Thorat runs an NGO called Indian Social Service Unity of Education (ISSUE), which tackles children's welfare issues from various angles. ISSUE has 35 staff members and two field offices. Working with Save the Children of Canada, ISSUE has attacked child labor in one slum pocket of north Nagpur, going house-to-house finding children involved in the making of incense sticks and encouraging the parents to send the children to school, helping to pay for books and uniforms for the children, providing tutoring to help the children catch up to their age appropriate level, offering preschools to keep toddlers away from the coal dust and other toxic chemicals used by the mothers in their home-based piece work. ISSUE also teaches school children in 7th-9th grade about child labor and how to identify where it is occurring. In the past three years, ISSUE has supported 124 children.

¶12. (U) In spite the government's efforts, Thorat said child labor persists in construction, agriculture, rag picking, roadside mechanic shops, domestic work, and roadside eateries. Thorat criticized the GOI's 2006 law against domestic child labor as ineffective because it was seriously under funded. According to him, children are working in stone crushing operations in the mines, often placing explosives in the tiny holes drilled into the rock to break it loose. Some children have been seriously injured and died from explosions. Although state roadway contracts require contractors not to use child labor, site supervisors look the other way, according to Thorat. He also said mothers often take girls as young as 10 years old to join them in work as domestics. He believes the police are not sensitized to the issue of child labor, while New Delhi does not believe the Vidarbha region (of which Nagpur belongs) has a serious child labor problem. He noted that Nagpur and its environs do not suffer from bonded labor. The child labor found at quarries is connected to entire families who live there and work on contracts. Thorat said he was not aware of any trafficking of children for the sex trade but reported that many children who run away from home may end up in brothels when they go to big cities.

¶13. (U) Daniel and Lila Yeso run an NGO called Sharansthan, which means "place of refuge" in the Ganga-Jamuna, Nagpur's red-light district. They shelter as many as 85 children of prostitutes, helping them with their studies and encouraging them to aspire beyond their mothers' profession as prostitutes. The Yesos estimated Ganga Jamuna area to consist of 2500-3000 women, many of whom were born to prostitutes and were either sold to traffickers by their parents or were claimed as property of the pimps who control their mothers. The couple report girls as young as 12 years old are sold by their parents for as much as 60,000 rupees (\$1,265 USD) and that the trafficker who purchases the girl could auction her virginity off to a client for up to 40,000 rupees. All types of people--doctors, lawyers, pilots--patronize the red-light district. Although Additional Commissioner of Police Singh claimed only ten percent of Nagpur's sex trade involved minors, the Yesos' believed that almost all of the prostitutes started when they were minors. The Yesos obtain good cooperation from high-level police officers but note the majority of the police force remain corrupt and involved in prostitution--i.e., sell girls back, tip-off brothel owners before raids, catch and release traffickers. The Yesos, funded by a US Church Assemblies of God, report a constant struggle to identify funding to continue their efforts.

Comment

¶14. (SBU) There is no consensus on the prevalence of trafficking in persons in Nagpur, Maharashtra. Estimates ranged from 250 to 25,000 girls and women involved in the sex trade in the city of two million people. Police showed little interest in tackling the problem, finding the women involved in the trade willing participants due to economic necessity. The prosecutor's office reports very little success in prosecuting cases, with a back log that grows annually. Though Mumbai has made great strides in tackling

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the trafficking challenge, Nagpur lacks a robust organized civil society to address the issue. Nevertheless, some organizations seem to be making inroads into tackling child labor and sex trafficking.

¶15. (U) This cable was drafted by Consulate General Mumbai and cleared with Ms. Patel.
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